

HOUSE BILL NO. 702

INTRODUCED BY MALCOLM

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN OUTFITTER'S LICENSE MAY NOT BE TRANSFERRED; EXPANDING BEYOND FAMILY MEMBERS THOSE WHO MAY CONTINUE THE BUSINESS OF A DECEASED OUTFITTER; CLARIFYING THE ONE-LICENSE LIMIT FOR OUTFITTERS; AND AMENDING SECTIONS 37-47-310 AND 37-47-311, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-47-310, MCA, is amended to read:

"37-47-310. Transfer or amendment of outfitter's license -- transfer of river-use days to new owner of fishing outfitter business. (1) An outfitter's license may not be transferred ~~during any license year.~~

(2) An individual person may, upon proper showing, have that person's outfitter's license amended to indicate that the license is being held for the use and benefit of a named proprietorship, partnership, or corporation.

(3) Subject to approval by the board, ~~an immediate member of~~ a person designated by the family of a deceased licensed outfitter may continue to outfit for the deceased outfitter's unexpired license year or until the heirs or personal representative of the estate ~~sells sell~~ the outfitting business or ~~obtains obtain~~ relicensure of the business.

(4) When a fishing outfitter's business is sold or transferred in its entirety, any river-use days that have been allocated to that fishing outfitter through the fishing outfitter's historic use of or activities on restricted-use streams are transferable to the new owner of the fishing outfitter's business. Upon the sale or transfer of a fishing outfitter's business, the outfitter who sells or transfers the business shall notify the new owner that the use of any transferred river-use days is subject to change pursuant to rules adopted by the fish, wildlife, and parks commission and that ~~a no~~ property right ~~attaches does not attach~~ to the transferred river-use days."

Section 2. Section 37-47-311, MCA, is amended to read:

"37-47-311. Limit one license. ~~No~~ An individual person may not hold more than one outfitter's license either for ~~his~~ the individual's own benefit or for the use and benefit of a partnership, limited liability partnership,

1 ~~limited liability company, or corporation, nor may the~~ However, the name of ~~any a~~ partnership, limited liability
2 partnership, limited liability company, or corporation may appear on more than one current outfitter's license and
3 within more than one operation plan filed with the board."

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